

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Charles Donald Montgomery, Jr.

Serial Number: 10/602,145

Filing Date: 06/24/2003

Title: Method Of Adapting An Optical Network To Provide Lightpaths To Dynamically Assigned Higher Priority Traffic

Examiner: Rose, Kerri M

Art Unit: 2616

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

EXAMINER INTERVIEW SUMMARY

Sir:

On November 1, 2007 Examiner issued a final office action on this invention. I timely filed an expedited reply available under 37 CFR § 1.116 with an after-final amendment on December 3, 2007. I have received no further correspondence from Examiner regarding this application. Further, PAIR shows no activity since December 14, 2007 ("Date Forwarded to Examiner").

Out of growing concern of abandonment, I attempted on numerous occasions to speak with Examiner and/or Examiner's supervisor regarding the status of the application. In March of 2008 I received a callback from Examiner. According to Examiner, an advisory action was forthcoming. However, no such advisory action was mailed (as indicated on PAIR) and none was received.

I then attempted to contact Examiner on May 21, 2007 and left a voicemail expressing this concern and requesting Examiner contact me. Examiner did not return the call. I then

attempted to speak with Examiner's supervisor, Doris Ho on April 24. Ms. Ho was unavailable and again I left a voicemail message expressing my concerns and requesting a return call. Ms. Ho returned the call that afternoon and left a voicemail. In her message, Ms. Ho indicated she would have Examiner issue an interview summary regarding the status of the application. No such interview summary was sent (according to PAIR) and none was received.

On April 25, 2008 I again attempted to contact Ms. Ho. I left a voicemail message reiterating my concern and requesting a return call. Neither Ms. Ho nor Examiner returned the call.

On April 28, 2008 I again attempted to contact Examiner and Ms. Ho. A voicemail message was left at both numbers expressing my concern that the patent might go abandoned before receiving any essential guidance from Examiner. Ms. Ho stated in the voicemail that she had spoken with Examiner and indicated she was mailing another office action. As of the date of this letter no such office action has been sent (according to PAIR) or received. I am gravely concerned about the status of this application as Applicant does not have the requisite funds to file another Request for Continued Examination to keep the patent alive.

Respectfully submitted,

By:


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Date: April 28, 2008
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